

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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FLORIBIO LARCIER,

USDC SDNY
DOCUMENT
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Petitioner,

- against -

ORDER

UNITED STATES OF AMERICA,

10 Civ. 3994 (NRB)

Respondent.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

It is hereby ordered that this Court's October 18, 2010 Memorandum and Order is amended to include the following sentence at the end of the Conclusion: "As the petitioner has not made a substantial showing of denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253; see also *United States v. Perez*, 129 F.3d 255, 259 (2d Cir. 1997); *Lozada v. United States*, 10 F.3d 1101, 1016-17 (2d Cir. 1997)."

Dated: New York, New York
January 18, 2011



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE